

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN THE MATTER OF)	
ADMINISTRATIVE SUBPOENAS)	
DUCES TECUM SERVED UPON)	
MISSOURI BAPTIST MEDICAL)	CASE NO.
CENTER AND MISSOURI BAPTIST)	
HOSPITAL-SULLIVAN)	
ON SEPTEMBER 29, 2021)	
COMPELLING PRODUCTION OF)	
DOCUMENTS AND TANGIBLE)	
ITEMS CONCERNING DR. RAFFI)	
KRIKOR KRIKORIAN AND/OR)	
COMPREHENSIVE)	
CARDIOVASCULAR CONSULTANTS.)	

JOINT MOTION TO QUASH OR MODIFY
AND FOR ENTRY OF A PROTECTIVE ORDER
OF MISSOURI BAPTIST MEDICAL CENTER
AND MISSOURI BAPTIST HOSPITAL – SULLIVAN

COME NOW, Missouri Baptist Medical Center (“MBMC”) and Missouri Baptist Hospital – Sullivan (“MBHS”), by and through the undersigned counsel, Baker Sterchi Cowden & Rice LLC, and for their Joint Motion to Quash or Modify and for Entry of a Protective Order, state as follows:

1. MBMC and MBHS are Missouri non-profit corporations and hospitals located within in this Judicial District.
2. On September 29, 2021, the U.S. Department of Justice (“government”) served MBMC and MBHS with administrative subpoenas under 18 U.S.C. § 3486 requesting the records custodians to release identical HIPAA-regulated information and documents, including patient medical records and other confidential and privileged materials, on October 21, 2021. (See Subpoenas, attached hereto as Exhibit A1 and A2). The investigation target of the

subpoenas is purportedly Dr. Raffi Krikor Krikorian and his medical practice group, Comprehensive Cardiovascular Consultants, and not MBMC and MBHS. MBMC and MBHS are currently unaware whether the government is pursuing similar requests for information directly from Dr. Krikorian and his practice group, or from other third-party entities.

3. On October 5, 2021, the government, through Assistant U.S. Attorney Dorothy L. McMurtry, agreed to an extension of time, through October 29, 2021, for MBMC and MBHS to respond to the subpoenas, preserving all objections and defenses to same and not waiving any. On October 28, the government agreed to another extension of time to respond, through November 12. On November 12, the government agreed to another extension of time to respond, through November 22. (See Emails, attached hereto as Exhibit B). Thus, this Joint Motion is timely filed pursuant to agreement of the parties and counsel.

4. MBMC and MBHS object to the scope of the subpoenas as being vague and overbroad, unduly burdensome, violative of Constitutional guarantees, seeking publicly available information, seeking confidential patient information protected from disclosure under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and privileged information under the Missouri Peer Review Privilege (§ 537.035 RSMo.), and the attorney-client privilege, the insured-insurer privilege, and/or any other applicable privileges and exemptions.

5. MBMC and MBHS incorporate by reference their contemporaneously filed Memorandum in Support of this Motion as if fully set forth herein.

WHEREFORE, Missouri Baptist Medical Center and Missouri Baptist Hospital – Sullivan pray for this Court to quash or modify the government’s subpoenas, and for entry of a Protective Order, and for such other and further relief as this Court deems just and proper.

BAKER STERCHI COWDEN & RICE LLC

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ATTORNEYS FOR MISSOURI BAPTIST
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 2021, I electronically filed the foregoing with the CM/ECF electronic filing system, which sent notification of such filing to all counsel of record. I further certify that I signed, or caused my electronic signature to be placed upon, the original of the foregoing document.

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